



# Environmental Investment Program

## Program Guide 2008/2009

Through the Environmental Investment Program (EIP), the New York State Department of Economic Development (DED) assists projects that lead to measurable recycling, pollution prevention and sustainable economic development results. EIP awards are made on a competitive basis. Projects with a strong likelihood of creating substantial results in a timely fashion receive more favorable reviews.

Some terms used in this guide may require further clarification. They are underlined at their first mention in the text and defined in the glossary. This guide is organized into the following sections:

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### TO APPLY

Applications are reviewed competitively by the EIP Investment Review Committee (IRC) on a monthly basis. Applications must be brought before the IRC by an Environmental Investment Program specialist on behalf of an applicant. Contact the Environmental Investment Program to discuss your proposed project. An investment specialist will be assigned to work with you as you prepare an application.

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## 1. INVESTMENT OBJECTIVE

The objective of EIP is to assist New York State business projects that result in substantive environmental improvements and associated economic benefits.

Environmental improvements may be achieved through:

- Recycling (which includes reuse, remanufacturing and composting)
- Pollution prevention and waste reduction
- Sustainable product and technology development and/or implementation

Associated economic benefits may include:

- Cost reductions from improved productivity, and/or reduced regulatory, operating or purchasing costs
- Increased sales revenues, expanded production output and/or new product development
- Job creation and retention

## 2. INVESTMENT AREAS & PRIORITIES

EIP projects must achieve measurable outcomes in one or more of these investment areas:

- A) Recycling (which includes reuse, remanufacturing and composting)
- B) Pollution prevention and waste reduction
- C) Sustainable product and technology development and/or implementation

The types of projects supported in each investment area, as well as activities that are not eligible, are described below.

### **A) Recycling (including Reuse, Remanufacturing and Composting)**

Eligible recycling projects expand the capacity to recycle, increase the volume of material recycled, and/or enhance the value of the processed material or finished product made from it. Projects focus on:

- solid waste
- source-separated organic waste (may not include human septage)
- industrial process waste (non-hazardous solid, liquid and airborne wastes resulting from industrial processes)
- hazardous waste (may only be recycled at the generating facility for re-use as a feedstock)

**Reuse** projects collect and return items to use "as is." Industrial process waste reuse captures industrial by-products destined for disposal or treatment, and reuses them in place of virgin feedstock. Hazardous waste reuse projects are limited to reuse by the facility where the waste is generated.

**Recycling** projects process material for use as a feedstock or use recycled materials to make value-added end products. Recycling projects must increase the value of the material. Hazardous wastes may only be recycled within the facility where they are generated. Projects that convert wastes or by-products for use as energy or fuel are not eligible.

**Remanufacturing** disassembles products to clean, repair or replace parts, and reassembles them to sound working condition. Remanufacturing returns items to use so that they are either as good as new or made with a known useful life.

**Composting** projects produce usable quality soils and soil amendments from source-separated organic wastes. EIP supports composting projects that incorporate substantial amounts of commercially or industrially generated food wastes. EIP is prohibited from assisting composting projects that incorporate human septage.

### **Recycling Investment Priorities**

In FY 2008/09 EIP will give priority to projects focused on the following solid, organic and industrial materials and outcomes:

- Building Construction and Demolition (C&D) Debris
  - Increase capacity to divert building C&D material from disposal to reuse/recycling
  - Increase value and value-added uses for recovered material
  - Increase capacity for deconstruction over demolition
- Commercially and/or Industrially-Generated Food Waste
  - Increase capacity to process commercial/industrial food waste for recycling
  - Increase capacity to compost commercial/industrial food waste
  - Enhance collection technology and practices to make food waste diversion cost-effective
- Electronic Devices
  - Increase capacity and cost-effectiveness of electronics recycling and remanufacturing
- Glass
  - Expand value-added uses for mixed-color container glass
  - Expand markets for sorted non-container glass, including windshield, window pane, mirror, pyrex and ceramics
- Industrial Process and Hazardous Waste
  - Expand capacity to recycle industrial wastes in value-added uses
- Paper
  - Increase diversion of significant amounts of commercially and/or institutionally-generated waste paper for recycling
  - Increase capacity of resident paper mills to use recycled feedstock
  - Expand value-added uses for paper mill residuals
- Plastics
  - Increase diversion and value of container plastics for recycling
  - Increase diversion and capacity to recycle plastic films, including bags, agricultural, marine and pallet films
  - Expand value-added uses for recycled films
- Tires
  - Expand value-added uses for recycled tire materials

### **B) Pollution Prevention and Waste Reduction**

Pollution prevention/waste reduction projects reduce the volume or toxicity of waste **before it is generated** and may also include source reduction. Pollution prevention projects focus on:

- solid waste
- industrial process waste (non-hazardous solid, liquid and airborne wastes resulting from industrial processes)
- hazardous waste

## **Pollution Prevention/Waste Reduction Investment Priorities**

A high priority for services and assistance provided by the Department shall be to improve the economic and environmental performance of business through waste prevention.

In FY 2008/09 preference will be given to projects that:

- achieve substantive and measurable environmental and economic benefits
- reduce toxic material inputs and/or hazardous waste generation
- expand green supply chain networks by manufacturers to enhance the sustainability of products and/or processes
- focus on manufacturing product inputs and process wastes
- derive economic benefit directly from the environmental improvement
- achieve pollution prevention/reduction outcomes at the site where the investment is made

Example of a preferred pollution prevention project:

- A manufacturer incurs significant operating and regulatory costs to manage the use, treatment and disposal of a hazardous material. The company seeks to invest in new production technology to replace the hazardous material with a non-toxic one. The environmental improvement would reduce hazardous waste by 3,200 lbs. per year and would save the company \$100,000 per year in reduced operating costs.

## **C) Sustainable Product and Technology Development and/or Implementation**

Sustainable Product and Technology Development supports the creation of new, or the reformulation of existing, products and industrial process technologies. These products and technologies must enhance environmental sustainability in a measurable way when compared to the conventional product or process technology currently in use in the market or industry. Sustainable Product/Technology projects may enhance environmental performance by addressing:

- industrial process waste in all media (non-hazardous solid, liquid and airborne process wastes)
- hazardous waste
- toxic and heavy metal reductions/substitutions
- recycled content feedstock
- lifecycle design for reuse/remanufacturing of products and/or technologies

EIP supports research, development and demonstration projects to test sustainable products and process technologies prior to commercialization. EIP supports capital investments to manufacture sustainable products and/or use sustainable process technologies. EIP supports technical assistance projects that help groups of businesses to develop sustainable products and/or adopt sustainable process technologies. Eligible projects must demonstrate measurable material benefits when compared to the conventional products or process technologies they could replace.

### 3. INELIGIBLE PROJECTS

The following **are not eligible for support** through this program:

- end-of-pipe pollution control technologies
- practices designed primarily to achieve compliance with NYS environmental conservation laws or regulations
- shifting waste from one medium to another with no net environmental benefit
- energy recovery, incineration or the processing of waste for use as refuse-derived fuel
- clean-up or remediation of contaminated sites

### 4. PERFORMANCE TARGETS

EIP is outcome driven. Projects that EIP supports must clearly explain the measurable results they will achieve as performance targets. Performance targets must be quantifiable and measured as improvements over current baseline operations. More information about performance targets can be found in the glossary and in the application materials.

### 5. TYPES OF PROJECTS

EIP assists three types of projects:

- Capital
- Research, Development and Demonstration
- Technical Assistance

The chart describes the purpose of each project type and the eligible contractor that the NYS Department of Economic Development (DED) may contract with on behalf of New York State businesses.

<b>Types of Projects</b>	<b>Purpose</b>	<b>Eligible Contractor/Applicant</b>
<b>Capital</b>	Support machinery and equipment; building, property, and infrastructure improvements directly associated with environmental outcomes at <b>or on behalf of NYS business</b>	Non-profit organization or municipality <b>on behalf of NYS business</b>  (Private sector firm that implements the project is referred to as the project co-implementer.)
<b>Research, Development &amp; Demonstration</b>	Answer questions standing between product/process prototypes and their commercialization or implementation	New York State business or non-profit organization
<b>Technical Assistance</b>	Provide assistance to NYS businesses to achieve measurable sustainability, recycling or pollution prevention outcomes	Non-profit organization or municipality providing assistance to groups of NYS businesses

The following Guidelines apply to the specific types of projects. Contractual guidelines that apply to all three types of projects are outlined in section 7.

### **Capital Projects**

- Capital projects invest EIP funds primarily in machinery and equipment needed to achieve performance targets.
- Capital project contracts are available only to non-profit organizations and municipalities that must own the assets supported by EIP on behalf of the private sector co-implementer that will use the assets to achieve results. The contractor owns the asset for the term of its defined useful life.
- Private sector firms use the assets supported through capital project contracts in their role as co-implementers to achieve project results. EIP does not invest in speculative projects. Co-implementers must be committed to achieving project results.
- EIP generally supports 10% to 35% of eligible capital costs, and caps awards at \$500,000. Projects that offer significant environmental results and demonstrate greater financial need may qualify for project support of up to 50% of eligible capital costs.
- EIP capital assistance must be matched with cash; in-kind contributions cannot be counted.
  
- **Eligible capital project costs include:**
  - **Machinery and equipment** directly related to the project results, including associated engineering, shipping and installation costs. Eligible transportation equipment is limited to those items used on site, such as roll-off containers, trailers and forklifts. Vehicles used on the open road are not eligible.
  - **Acquisition, construction and/or improvements to real property** when the applicant demonstrates that the costs are integral to the project; reasonable; and increase the likelihood that the project will start and complete in a timely manner. Improvements, alterations or repairs to real property may include site preparation, (such as clearing, grading, filling, road construction, etc.) demolition, installation or relocation of utilities (such as drainage and sewer systems, electricity, water or gas utility connections, etc.), transportation facilities (such as access roads, docks, wharves, rail spurs and railheads, etc.) construction materials and labor and the improvement, alteration and/or repair of existing structures, where such improvements are essential to achieving the project environmental results. As above, all supported assets must be owned by the applicant/contractor.
  - **Physical assets** supported by EIP must be owned by the applicant/contractor for the duration of their useful life and cannot be disposed of, sold, transferred, or leased without written permission from the Department.
  - EIP, the applicant and the co-implementer shall mutually agree upon the useful life of each asset prior to contract execution, if applicable.
  - The useful life of an asset may be determined as its accounting life (i.e., for purposes of depreciation), as determined by the original equipment manufacturer (OEM) or an alternative method justified by the applicant or co-implementer. The agreed-upon useful life for EIP supported assets may extend beyond completion of the project term.
  - **Consulting costs** associated with the acquisition of legal, engineering and architectural services directly related to the installation and start-up of the equipment.
  
- **Ineligible capital project costs include:**
  - Consultant fees for items such as writing reports, measuring results or performing R&D
  - In-Kind costs

## Research, Development and Demonstration (RD&D) Projects

- RD&D projects test, evaluate and/or demonstrate the technical and/or economic feasibility of products or process technologies that recycle, prevent pollution or achieve measurable sustainability outcomes.
- EIP supports RD&D projects with the highest likelihood of leading directly to the commercialization or use of the product or process technology. EIP helps resolve barriers to full commercialization and does not support basic research or research that leaves key questions to the successful commercialization or use of the product or process technology unanswered.
- EIP will **only** support RD&D projects in which a New York State firm(s) demonstrates commitment and ability to directly implement the project results in New York. EIP prefers to support RD&D projects that create results with the potential to be applied at or benefit multiple New York State business enterprises.
- If the results of the project prove feasible and economical, RD&D contractors must either implement the study results through a New York State facility, or make the results available to other interested business enterprises through sale, licensing or other means within two years of project completion. If the RD&D contractor does not comply, EIP retains the right to make the project results available for public use after two years.
- All non-proprietary information generated by RD&D projects and provided to EIP may be used by EIP in any manner which EIP deems appropriate to further environmental quality objectives.
- RD&D contracts are limited to small and medium-sized New York State businesses and non-profit organizations that **either** employ fewer than 500 workers or earn less than \$10 million in gross annual sales.
- EIP may invest up to 80% of the eligible project costs or \$200,000, whichever is less. Preference will be given to RD&D projects with cash versus in-kind matching investments and/or whose match exceeds 20%.
- RD&D contractors should complete their projects within a term of six months to two years.
- **Eligible RD&D project costs:**
  - Incremental expenses associated exclusively with the conduct of the test, evaluation, or demonstration. Costs that would be incurred regardless of the project (i.e., rent, overhead and any others associated with the normal cost of doing business) are **not** eligible.
  - Rental of equipment needed to conduct project testing is eligible.
  - Purchase of equipment is allowed **only** when such equipment is essential to the research objectives and not available for lease/lease-purchase. Non-availability of lease options must be documented.
- **Ineligible RD&D project costs:**
  - **Equipment purchases** (including lease-purchase arrangements) and capital improvements are **not** reimbursable costs, except as noted above, where essential equipment is not otherwise available through any form of lease agreement. Reasonably priced equipment rental or straight leasing **is eligible**.
  - EIP does not subsidize **regular employee wages**. Costs associated with the contractor's staff may be included only as part of the contractor's in-kind investment in the project, unless EIP approves otherwise. Arguments to justify EIP support of regular employee wages may be presented in the Cost Derivations portion of the application and must document why identified individuals are uniquely qualified to conduct relevant portions of the RD&D project.

## Technical Assistance Projects

- Technical assistance projects offer financial support to New York State non-profit organizations or municipalities that directly assist New York State businesses to achieve recycling, pollution prevention or sustainability results.
- Environmental results achieved by assisted businesses must be quantifiable and substantive, and should also deliver the associated economic benefits of cost savings and/or enhanced revenues to assisted businesses.
- EIP supports contract with organizations that have demonstrated experience in some aspect of recycling, pollution prevention, or sustainability, or who can create an effective link between the provision of these services and their current business assistance services.
- EIP offers up to 50% of eligible project costs and generally caps assistance at \$100,000/year.
- Preference will be given to technical assistance projects with cash versus in-kind matching investments and/or whose match exceeds 50%. Projects that incorporate matching cash contributions from assisted businesses are preferred.
- EIP reserves the right to cap excessive hourly rates and other costs used as in-kind match.
- Contracts should be completed within a six-month to two-year term.
  
- **Eligible Technical Assistance project costs include:**
  - Personnel expenses (salaries and fringe benefits) for project employees and support staff engaged in results-based technical assistance delivery.
  - **Non-personnel expenses** in support of the personnel assigned to the project, including supplies and materials; publications; travel; printing; postage; office equipment rental or repair; office space rental; telephone and utilities are eligible.
  - **Equipment** to implement pollution/recycling results at assisted companies may be eligible. Such equipment may not be disposed of, sold, transferred, leased, or used for any other purpose without written permission from the Department.
- **Ineligible Technical Assistance project costs include:**
  - **Standard operating costs** not directly associated with delivery of results-based services to businesses.

## 6. SELECTION CRITERIA

All applications will be reviewed competitively using the following criteria. Criteria apply equally to capital; research, development and demonstration; and technical assistance applications. Exceptions are noted where applicable.

1. The magnitude of the environmental results and the cost-effectiveness of the project investment in achieving those results. That is, the measurable recycling, pollution prevention or sustainability results the project achieves per dollar invested by EIP.
2. The economic benefits the project will return to New York State businesses, expressed as cost savings and increased revenues derived from the environmental results, per dollar invested by EIP.
3. How well the environmental results and economic benefits compare to similar projects that have been competitively reviewed and funded by EIP.
4. The degree to which the project fits EIP FY 2008/09 Investment Areas & Priorities (described on pages 2-4).
5. The strength of the business issues driving the project and its responsiveness to regional environmental and economic development needs.
6. The technical and economic feasibility of the project; and the clarity of the application and its responsiveness to the questions posed by EIP.
7. The commitment, experience and ability of the key people dedicated to achieving the project results.
8. The financial viability of the business and the demonstrated financial need of the applicant and co-implementer, where applicable, for assistance.
9. For solid waste projects, the degree to which the project diverts solid waste from New York State disposal capacity (as opposed to out-of-state disposal capacity or existing recycling market outlets), and the degree to which the project adds value to the recovered material.
10. For RD&D and Technical Assistance projects, the degree to which the match exceeds the minimum requirements, and the degree to which the applicant commits cash rather than in-kind matching funds.
11. For Technical Assistance Projects:
  - the magnitude and value of measurable recycling, pollution prevention or sustainability results assisted businesses will achieve
  - the number of businesses served and the economic benefits derived from the environmental results they achieve
  - the demonstrated expertise of the service provider to deliver recycling, pollution prevention or sustainability assistance, and to engage the defined business clientele in achieving results
  - the amount of cash included in the matching funds, and the amount of cash provided by assisted businesses for the services they will receive and implement
12. For RD&D projects:
  - the magnitude and quality of potential environmental benefits to the State
  - the strength of potential market demand for the product/process and the likely economic benefits to businesses associated with its use
  - the technical expertise, management skills and financial commitment of the principals and consultants to conduct the RD&D and implement the results
  - the immediate potential to implement or commercialize the project results in New York State without further research
  - how broadly the project results may apply to other NYS business enterprises

## 7. CONTRACTUAL GUIDELINES:

Contractual guidelines apply to all three types of projects except as noted.

- All contracts are performance-based and contract payments are made on a reimbursement basis as contractual results are achieved. At least 20% of the full contract amount will be permanently withheld until the contractor has met all contractual obligations, including the achievement of all performance targets and completion of all reporting requirements.
- Contract payments for RD&D and Technical Assistance projects will be made quarterly on a cost reimbursement basis as milestones are achieved.
- For Capital projects, ESU prefers to hold all disbursements until a project begins to create results toward achieving the performance targets.
- Costs incurred prior to a written EIP award commitment cannot be included in a project budget. Costs incurred in preparing an EIP application cannot be included in a project budget.
- For RD&D and Technical Assistance projects, indirect cost rates may not exceed 22% of the total project cost. Indirect cost rates are those calculated by multiplying the total cost of a project by a percentage and adding the result to the project as a budget line or as an in-kind match. If an indirect cost percentage is added to the project budget, the budget cannot also itemize indirect costs prior to applying the indirect percentage. Capital project budgets may not include indirect costs.
- For Capital and Technical Assistance Projects, the contractor's matching investment cannot include funds provided by any other New York State waste prevention program or certain federal programs. RD&D matching funds are not restricted.
- During the review process, EIP will provide the applicant's (or co-implementer's) name to and consult with other appropriate New York State agencies, including but not limited to the NYS Department of Environmental Conservation to ensure the applicant (or co-implementer) is in compliance with all appropriate federal, state and local laws and regulations. EIP review may also seek guidance from experts at the New York State Energy Research Development Authority, universities, trade associations, or other individuals.
- EIP does not support projects designed to achieve compliance with NYS environmental conservation laws or regulations.
- If a contractor fails to complete the project as approved, or disposes of supported equipment, or changes the project or any portion thereof without the prior written approval from the Department, the contractor must repay any contract payment made toward the cost of the project immediately.
- The Department is subject to the Freedom of Information Law (FOIL) that governs the process for the public disclosure of certain records maintained by the Department. Guidelines are included in Appendix B (attached separately). Awards made by EIP are subject to equal employment opportunity requirements for minorities and women and the participation of certified minority and women-owned business enterprises on State contracts. Guidelines are included in Appendix B (attached separately).

## 8. APPLICATION REVIEW AND AWARD PROCESS

EIP staff specialists work with applicants to develop successful applications throughout the year. They help applicants determine the eligibility and competitiveness of their projects, answer questions, and provide guidance. During application preparation, they also work to substantiate the soundness of the project as an EIP investment. EIP specialists verify and analyze financial and technical information related to the company or project, conduct telephone interviews, site visits, industry research and request additional information as needed to complete investment due diligence. Industry experts and consultants may be contacted to verify information provided to EIP.

Applications are evaluated by the EIP Investment Review Committee (IRC) each month. Only EIP specialists, on behalf of applicants, may bring applications before the IRC for award determinations.

Award announcements are made monthly, subject to the availability of funds and the receipt of complete applications. Upon award, EIP specialists work with applicants to finalize project milestone schedules and performance targets. Project milestones and targets become the performance standards for contractual fund disbursements.

## 9. GLOSSARY

**Co-implementer** – A co-implementer is a New York State business that achieves capital project results in partnership with the capital project applicant/contractor. The applicant/contractor must be a municipal or non-profit organization, which contracts with EIP and holds title to all EIP-supported equipment or property for the duration of its useful life. The co-implementer sub-contracts with the contractor to use the EIP assisted assets to achieve the project results. Project matching funds are provided by the co-implementer. EIP awards are paid on a reimbursement basis to the contractor upon verification that the co-implementer has achieved contractual project results.

Example: An industrial development agency (IDA) contracts with EIP to invest in machinery and equipment on behalf of a manufacturer to recycle process wastes and water. The manufacturer is the co-implementer. The manufacturer sub-contracts with the IDA and must successfully operate the new equipment and verify achievement of the contractual recycling results. Variations on this example include any capital project in which a non-profit or municipal contractor invests EIP funds so that a New York State business – the co-implementer – may achieve the project results.

**Contractor** – For capital projects the contractor is the municipal or non-profit organization which holds title to EIP-supported assets on behalf of a New York State business. For RD&D projects the contractor is a New York State business or non-profit organization that contracts directly with EIP to achieve the project results. For Technical Assistance projects the contractor is a non-profit business service organization that contracts with EIP to assist New York State businesses.

**Municipality** – a local public authority, public benefit corporation, a county, city, town village, or Indian tribe residing in New York State or any combination thereof.

**Non-profit Organization** – a 501(c)3 charitable organization

**Performance Targets** – are the measurable environmental results and economic benefits the project commits to achieve. For capital and technical assistance projects performance targets must be expressed as quantifiable and verifiable numbers. The terms in which capital and technical assistance performance targets must be expressed are included in the application instructions.

For RD&D projects, performance targets are concise statements about what the applicant will learn, test and demonstrate. Applicants must also estimate the ultimate value of the project results. That is, what will be achieved when the RD&D results are applied commercially? While somewhat speculative, this must be expressed in quantifiable terms. EIP invests in RD&D projects where the performance targets indicate the highest potential to be commercially implemented and achieve substantive environmental results.

Performance targets should be realistic and achievable. During the application process, EIP staff work with applicants to develop milestones to measure progress toward the performance targets and a means to verify that performance targets have been met. The performance targets, milestones and verifications become part of the project contract and form the basis for determining EIP reimbursements.

**Source Separated Organic Materials** – readily degradable organic material such as food, yard and wood waste, including agricultural and food processing waste, which is collected separately from mixed solid waste, but does not include sewage, sewage sludge, sludge or septage.

**Source Reduction** – any practice which:

- Reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and
- Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants. The term includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control.
- The term "source reduction" does not include any practice which alters the physical, chemical, or biological characteristics or the volume of a hazardous substance, pollutant, or contaminant through a process or activity which itself is not integral to and necessary for the production of a product or the providing of a service, for example, a company-wide paper reduction program.

**Sustainable/Sustainability** – a product or process technology that reduces environmental impacts throughout the product life or operation of the technology when compared to current products or practices.

**Waste** – For the purpose of this program, waste is defined to include:

**Air Contaminant** – any regulated air emissions, including SO<sub>x</sub>, NO<sub>x</sub>, Volatile Organic Compounds, Hazardous Air Pollutants and others as defined by the Department of Environmental Conservation under Part 200.1(d). Consult with an Environmental Investment Program specialist to determine applicability.

**Hazardous Waste** – those wastes that appear on the list, or satisfy the characteristics of hazardous waste promulgated pursuant to section 27-0903 of the Environmental Conservation Law. Hazardous wastes do not include source, special nuclear or by-product material as defined in the Atomic Energy Act of 1954, as amended.

**Industrial Process Waste** — any liquid, gaseous or solid substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards adopted in subdivision five of section 17-0105 of the Environmental Conservation Law. Industrial Process Waste does not include hazardous waste.

**Solid Waste** — all putrescible and non-putrescible materials or substances discarded or rejected as being spent, useless, worthless or in excess to the owners at the time of discard or rejection. This can include, but is not limited to, garbage, refuse, industrial and commercial waste, sludges from air or water control facilities, rubbish, ashes, contained gaseous material, incinerator residue, demolition and construction debris, discarded automobiles and offal, but does not include sewage and other highly diluted water-carried materials or substances and those in gaseous form. This does not include hazardous waste.

## 10. APPENDICES A and B

Appendix A contains standard clauses that govern all New York State contracts. Appendix B contains general contract provisions regarding minority and women-owned business enterprise participation and equal employment opportunity considerations. It also contains information regarding the Freedom of Information Law (FOIL) that governs the process for the public disclosure of certain records maintained by the Department. Appendices A and B are incorporated into every Environmental Investment Program award contract. They are available as separate documents for review at any time.